IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 710 OF 2007
IN
CRIMINAL APPEAL NO. 350 OF 2007

Gurunath Sitaram Chavan and anr. ..Applicants

Vs.

State of Maharashtra
(at the instance of Malvan
Police Station) ..Respondent

Mr. A.S. Khandeparkar i/by Khandeparkar and Associates for the applicants.

Mr. Rajesh More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 02, 2007.

P.C.:

1. Heard Mr. Khandeparkar the learned counsel for the applicants and Mr. More, the learned APP for the State.

2. This is an application for being released on bail by suspending the order of sentence under Section 389 of Cr.P.C. during the pendency of Criminal Appeal

No. 350 of 2007 which has been admitted by this court on 20/4/2007.

3. I have perused the reasoning set out in the order of conviction and sentence dated 6/1/2006 passed by the learned Sessions Judge, Sindhudurg at Oros in Sessions Case No. 33 of 2004. The applicants have been sentenced to suffer RI for seven years and to pay a fine of Rs.1000/- each, in default to suffer imprisonment for six months more. For the offence punishable under Section 304(B) of IPC no separate sentence is awarded.

4. The applicant no.2 is the father of applicant no.1 and having regards to the findings recorded by the learned Sessions Judge in the impugned order of conviction and sentence, I am satisfied that the applicant no.2 deserves to be released on bail by suspending the order of sentence under Section 389 of Cr.P.C.

5. Hence the application is partly allowed and it is directed that the applicant no.2 - Shri Sitaram s/o

Bhanu Chavan be released on the same bail as in the trial court after furnishing fresh bond pending the appeal. So far as applicant no.1 is concerned, he may file a fresh application after the record and proceeding is received. Reminder for R and P be sent.

(B.H. Marlapalle,J.)